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Introductory Note on claims which have been made to Redistributions of Provincial Territories on a Racial or Linguistic Basis.

Introductory note presented to the Indian Statutory Commission by the Government of India on claims which have been made to redistributions of provincial territories on a racial or linguistic basis.

Separate memoranda are being presented to the Commission on the subject of the transfer of Sylhet from the province of Assam to the Bengal Presidency; on the amalgamation of the Oriya-speaking peoples: and on the formation of separate Andhra, Tamil and Kannada provinces. This note is confined to brief introductory general comment on the subject of these claims to redistributions of territories on a racial or linguistic basis.

2. Two sections of the Government of India Act relate to the redistribution of territories between provinces. Section 52A of the Act lays down the procedure necessary for the constitution of a new Governor's province, or for placing part of a Governor's province under the administration of a Deputy Governor. Section 60 of the Act confers power on the Governor-General in Council to alter provincial boundaries, subject to the qualifications that an entire district may not be transferred from one province to another without the previous sanction of the Crown, signified by the Secretary of State in Council, and that any notification published by the Governor-General in Council under this section may be disallowed by the Secretary of State in Council.

It follows that where the claim to a redistribution of territory affects only a portion of a district, or of districts, the matter can be dealt with by the Governor-General in Council under his own authority. If an entire district is to be transferred, the previous sanction of the Crown is necessary, such sanction being signified by the Secretary of State in Council. For the formation of a new Governor's province, or of a sub-province under the administration of a Deputy Governor, a special form of procedure is laid down by section 52A; before the Governor-General in Council can seek the sanction of His Majesty to the constitution of a new Governor's province, or of a sub-province, there must first have been obtained an expression of opinion from the local Government and from the local legis-

lature affected by the proposal. In addition to this statutory provision, which reflects views expressed by the Joint Select Committee of Parliament on clause 15 as it read in the Government of India Bill, cases falling under section 52A would be held to be governed by the further comment of the Joint Select Committee of Parliament, that any clear requests made by a majority of the members of a Legislative Council, representing a distinctive racial or linguistic territorial unit, for its constitution as a sub-province, or a separate province, should be taken as a *prima facie* case, on the strength of which a commission of enquiry might be appointed by the Secretary of State; and, secondly, that it should not be a bar to the appointment of such a commission of enquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit. The procedure then for the appointment by the Secretary of State of a special *ad hoc* commission of enquiry relates only to cases falling under section 52A, and not to cases falling under section 60.

3. Of the five specific proposals for provincial redistributions, mentioned in paragraph 1 of this note, those for the formation of separate Andhra, Tamil and Kannada provinces fall clearly within the provisions of section 52A. The transfer of the Sylhet district from the province of Assam to the Bengal Presidency would normally fall simply under section 60, were it not that the transfer of that district has been held to be inseparable from a consideration of the future status of the province of Assam as a Governor's province. The claims of the Oriya-speaking peoples to amalgamation might be dealt with simply under section 60 if they involved merely the transfer to the existing province of Bihar and Orissa of portions of districts from the Madras Presidency, or from the Central Provinces or from Bengal; but the claim made by the Oriyas themselves is for a separate Oriya province towards which the amalgamation of the Oriya-speaking tracts with one or other of the existing provinces would be only a stepping-stone. So long as the formation of a separate Oriya province is the objective, redistributions of territory taken with that end in view would tend to lie more properly under section 52A than under section 60.

4. In view of the comments made by the Joint Select Committee of Parliament, the Government of India have consistently adhered to the opinion that it is unreasonable to expect either the Central Government, or the central Legislature, to consider

claims for provincial redistributions which have not been first debated in the Legislative Councils of the provinces concerned. The resolutions moved in the central Legislature for the formation of separate Andhra, Tamil and Kannada provinces, none of which were adopted by the central Legislature, have all failed to comply with the conditions precedent upon which the Government of India have insisted. Those conditions are, first, that proposals for the redistribution of territories on a linguistic or racial basis must indicate very strongly that they are supported by a genuine popular demand, and, second, that opinion should in the first instance be expressed in the local Legislative Councils. No resolution has yet been moved in the Madras or in the Bombay Legislative Councils for the formation of a separate Kannada province; no resolution has yet been moved in the Madras Legislative Council for the formation of a separate Tamil province. After the resolution for the formation of a separate Andhra province had been lost in the Council of State in February 1927, a resolution was moved on the same subject in the Madras Legislative Council in March 1927 and carried by 40 votes to 32. Of the members representing Telugu constituencies present in the Council Chamber during the debate, 17 voted in favour of the resolution, 5 voted against it, and 6 remained neutral. A copy of the debate was forwarded by the Government of Madras without comment to the Government of India, who reported it to the Secretary of State. Notice of a resolution to be moved in the Legislative Assembly recommending the formation of an Andhra province was then given by a non-official member and the resolution was drawn for discussion on the 20th September 1927; the mover, however, withdrew his resolution without giving reasons. The Madras Legislative Council has since made a token cut in the provincial budget estimates for the year 1928-29 to signify a censure on the local Government for neglecting to press the question of the formation of a separate Andhra province upon the attention of the Government of India.

The position then with regard to these three cases is that resolutions moved in the central Legislature for the formation of separate Kannada and Tamil provinces have been lost, and no resolution in favour of the proposals has yet been carried in the provincial Legislative Councils concerned; the case for the formation of a separate Andhra province rests with the position described above.

5. The proposal for the transfer of the Sylhet district from Assam to Bengal has been approved by the Legislative Councils of the two provinces and accepted by both local Governments. A resolution in the central Legislature moved at an earlier stage in the examination of the case was withdrawn in view of an assurance given by the Government of India that the whole question was the subject of correspondence with the provincial Governments. The case for the transfer of Sylhet now rests with the announcement made by the Government of India in June 1926 that, in agreement with a ruling of the Secretary of State, the Government of India have reserved the two questions of the transfer of Sylhet, and its consequent effect upon the future status of Assam, for consideration by the Statutory Commission.

6. The treatment by the Government of India of the claims of the Oriyas, whether to a separate province or to amalgamation under a single administration, has followed a rather different course. After the issue of the Joint Report on Indian Constitutional Reforms, and before the new constitution had been introduced, a resolution was moved in the old Imperial Legislative Council in February 1918 by a member from Bihar, suggesting the appointment of a small committee to investigate the matter. The Home Member made it clear that it would not be appropriate at that stage for a committee to be appointed by the Government of India; the views of the provincial Legislative Councils were an essential preliminary. He undertook, however, to assist in collecting material and information which would be laid at the disposal of the four provinces affected by the proposal. The memorandum presented to the Commission describes the examination of the problem which has since been made, and explains that the next step rests with the provinces, and not with the Government of India. The general principle of the amalgamation of the Oriya-speaking tracts was accepted by the Bihar and Orissa Legislative Council in December 1921. The matter was once discussed in a tentative manner in the Madras Legislative Council in the same year, but without any definite opinion being recorded. The amalgamation of the Oriya-speaking tracts of the Bengal Presidency or of the Central Provinces has not been discussed in the Legislative Councils of either of those two provinces.

7. In the circumstances described, there has been no official examination by the Government of India of claims made for the formation of separate Andhra, Tamil or

Kannada provinces. The transfer of Sylhet from Assam to Bengal has been considered, but has been reserved for consideration by the Statutory Commission in view of its possible effect upon the status of the province of Assam. With regard to the amalgamation of the Oriya-speaking tracts a considerable amount of information has been collected and has been placed at the disposal of the Commission in the separate memorandum prepared on that subject.

8. It is possible from the discussions which have taken place on the subject of provincial redistributions to separate broadly the arguments used in their favour and those employed against them. In paragraph 246 the joint authors of the Report on Indian Constitutional Reforms observed that they were impressed with the artificial, and often inconvenient character of existing administrative units; they stated that they could not doubt that the business of government would be simplified if administrative units were both smaller and more homogeneous, and that such considerations acquired additional weight when the burdens of government were being transferred to comparatively inexperienced hands. The joint authors were of opinion that it was a strong argument in favour of linguistic or racial units of government that by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not acquainted with English.

Six years later the Reforms Enquiry Committee stated in paragraph 58 of their report that they felt that the difficulties in the working of responsible government in India were much enhanced by reason of the large size of several provinces, their artificial and unnatural boundaries, and the want of homogeneity in their populations. While agreeing with the authors of the Montagu-Chelmsford Report that a redistribution of provincial areas cannot be imposed upon the people by official action, they considered it probable that the problem would have to be considered in connection with any considerable constitutional advance.

9. Those who have come forward since the institution of the reforms with specific proposals for the linguistic or racial redistribution of particular areas have relied in the first place, on the broad general considerations stated by the authors of the Montagu-Chelmsford Report and by the Reforms Enquiry Committee. As their second line of argument they have endeavoured to indicate the injurious effect of

their present grouping on the development of particular peoples. For instance, it has been asserted that as a result of their division between different provinces and Indian States the language of the Kannarese has been mutilated, their culture destroyed, and their traditions, literature and art have been forgotten. Similar assertions are made in respect of the Oriyas to support the demand for the amalgamation of the Oriya-speaking tracts. The Telugus and the Tamils are not distributed between different provinces. In their case the grievance is that they each share a province with other peoples dissimilar in thought and in speech from themselves. The Sylhet district probably occupies a stronger position in the small province of Assam than it would occupy as an outlying district of the Bengal Presidency: the demand of the predominant Bengali population to be amalgamated with the Bengal Presidency rests almost exclusively on racial sentiment.

The third group of arguments in favour of particular provincial redistributions arises only where the people of the particular race or language who claim amalgamation either in a province of their own or under a single administration are distributed over two or more provinces. In that event it is represented that those sections of the people living in the outlying tracts suffer from administrative or other disabilities owing to their separation from the bulk of the peoples with whom by race and language their natural affinities lie. For instance, in claiming amalgamation with the Orissa districts, the Oriyas of Ganjam have represented *inter alia* that as a small element in the composite population of the Madras Presidency, they are unable to obtain adequate representation in the public services and on the local bodies of the districts in which they reside; that there is difficulty in securing instruction in the Oriya language for their children, and that Oriya students are at a disadvantage in pursuing a higher course of study to obtain a university degree. This third line of argument relates in short to particular administrative difficulties and disabilities which vary with the locality.

10. Arguments in favour of provincial redistributions fall thus into three main groups resting (*a*) upon the general consideration that responsible government flourishes best in small homogeneous units; this is a general principle applied by those who adopt it to all claims to redistribution on linguistic or racial lines; (*b*) upon the satisfaction of popular sentiment, and the preservation of particular systems of cul-

ture, language and thought; and (*c*) upon the improvement of the administration by the removal of disabilities to which isolated groups of peoples are exposed if separated from the bulk of the peoples with whom by race or by language they should naturally be united.

11. The opposite school of thought has met these arguments on somewhat the following lines. As a general theoretical proposition it is not contested that responsible government is likely to flourish best in small homogeneous units; but before that proposition can be applied, practical considerations require to be taken into account. First among these is the consideration that the formation of administrative divisions on a linguistic or racial basis must operate to weaken Indian unity, and is on that account to be avoided. Secondly, the creation of new provinces cannot but increase the overhead charges of administration and leave inadequate funds for the development or healthy growth of provincial institutions. Thirdly, historical, political, and commercial conditions are of equal, if not greater importance than sentimental considerations of race and language in determining the boundaries of administrative divisions, nor can questions of land and water communication be ignored. Lastly, purely administrative difficulties existing under the present distribution may be found susceptible of mitigation, if not removal, in other ways than by territorial redistributions, which necessarily entail inconvenience and unsettlement to administrators, litigants, landlords and tenants, and other sections of the public. Unwise redistributions of provincial boundaries undertaken to meet the sentiments of a particular people may in the event arouse more discontent than exists to be allayed.

12. The general conclusion towards which these discussions have tended to lead is that in no case can the linguistic or racial principle be accepted as the sole test, or as supplying in itself the ultimate and final basis for territorial redistributions. Each proposal requires consideration on its merits with strict relation to the conditions of each. Territorial changes should be confined to those from which it can be shewn that substantial benefit will be derived.

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